

**MINUTES OF
FAIRFAX COUNTY PLANNING COMMISSION
THURSDAY, JULY 28, 2005**

UNAPPROVED
AUGUST 10, 2005

PRESENT: Walter L. Alcorn, Commissioner At-Large
John R. Byers, Mount Vernon District
Frank A. de la Fe, Hunter Mill District
Janet R. Hall, Mason District
Suzanne F. Harsel, Braddock District
James R. Hart, Commissioner At-Large
Nancy Hopkins, Dranesville District
Ronald W. Koch, Sully District
Kenneth A. Lawrence, Providence District
Rodney L. Lusk, Lee District
Peter F. Murphy, Jr., Springfield District
Laurie Frost Wilson, Commissioner At-Large

ABSENT: None

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The meeting was called to order at 8:16 p.m. by Chairman Peter F. Murphy, Jr., in the Board Auditorium of the Fairfax County Government Center at 12000 Government Center Parkway, Fairfax, Virginia 22035.

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COMMISSION MATTERS

Chairman Murphy noted that the Planning Commission would be on recess in August and he added that public hearings would resume on Wednesday, September 14, 2005. He conveyed his thanks to staff and wished everyone a good summer.

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Commissioner Byers MOVED THAT THE PLANNING COMMISSION DEFER THE PUBLIC HEARINGS ON RZ/FDP 2004-MV-041 AND SE 2004-MV-035, MADISON HOMES INCORPORATED HUNTINGTON LLC, TO A DATE CERTAIN OF OCTOBER 6, 2005.

Commissioner Hall seconded the motion which carried unanimously with Commissioner Harsel not present for the vote.

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Commissioner Alcorn noted that the Environment Committee would meet with the Environmental Quality Advisory Council on Wednesday, September 14, 2005 at 7:00 p.m., in the Board Conference Room to discuss stream protection strategies.

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Commissioner Lusk MOVED THAT THE PLANNING COMMISSION DEFER THE PUBLIC HEARING ON SE 2005-LE-018, BRANCH BANKING & TRUST COMPANY OF VIRGINIA, TO A DATE CERTAIN OF SEPTEMBER 22, 2005.

Commissioners Byers and Lawrence seconded the motion which carried unanimously with Commissioner Hart not present for the vote.

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Commissioner Lusk MOVED TO DEFER THE PUBLIC HEARING ON SE 2005-LE-011, JENNINGS MOTOR COMPANY, INC., TO A DATE CERTAIN OF SEPTEMBER 15, 2005.

Commissioners Byers and Lawrence seconded the motion which carried unanimously.

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Commissioner Koch MOVED THAT THE PLANNING COMMISSION DEFER THE PUBLIC HEARING ON 2232-Y04-19, NEXTEL COMMUNICATIONS OF THE MID-ATLANTIC, INC., TO A DATE CERTAIN OF OCTOBER 20, 2005.

Commissioner Byers seconded the motion which carried unanimously.

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FS-B05-16 - VERIZON WIRELESS, 9525 Little River Turnpike

Commissioner Harsel MOVED THAT THE PLANNING COMMISSION CONCUR WITH THE "FEATURE SHOWN" DETERMINATION IN FS-B05-16.

Commissioner Byers seconded the motion which carried by a vote of 10-0-2 with Commissioners Alcorn and Murphy abstaining.

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RZ 2004-PR-024 - ANTHONY DEVELOPMENT LTD

FDP 2004-PR-024 - ANTHONY DEVELOPMENT LTD (Decisions Only)

(The public hearings on these applications were held on March 23, 2005. A complete verbatim transcript of the decisions made is in the file.)

Commissioner Lawrence MOVED THAT THE PLANNING COMMISSION RECOMMEND TO THE BOARD OF SUPERVISORS DENIAL OF REZONING APPLICATION RZ 2004-PR-024 TO REZONE THE SITE TO THE PDH-4 DISTRICT.

Commissioners Alcorn and Lusk seconded the motion which carried by a vote of 9-0-3 with Commissioners Byers, Hall, and Murphy abstaining.

Commissioner Lawrence MOVED THAT THE PLANNING COMMISSION DENY FDP 2004-PR-024.

Commissioner Lusk seconded the motion which carried by a vote of 9-0-3 with Commissioners Byers, Hall, and Murphy abstaining.

Commissioner Lawrence MOVED THAT THE PLANNING COMMISSION RECOMMEND TO THE BOARD OF SUPERVISORS APPROVAL OF RZ 2004-PR-024 TO REZONE THE SITE TO THE R-3 DISTRICT, SUBJECT TO PROFFERS DATED JULY 26, 2005.

Commissioner Lusk seconded the motion which carried by a vote of 9-0-3 with Commissioners Byers, Hall, and Murphy abstaining.

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RZ 2003-PR-026 - ELM STREET DEVELOPMENT, INC., AND JCE, INC.
FDP 2003-PR-026 - ELM STREET DEVELOPMENT, INC., AND JCE, INC.
PCA 76-P-118 - ELM STREET DEVELOPMENT (Decisions Only)

(The public hearings on these applications were held on June 1, 2005. A complete verbatim transcript of the decisions made is in the date file.)

Commissioner Lawrence MOVED THAT THE PLANNING COMMISSION RECOMMEND TO THE BOARD OF SUPERVISORS APPROVAL OF RZ 2003-PR-026 AND THE ASSOCIATED CONCEPTUAL DEVELOPMENT PLAN, SUBJECT TO PROFFERS DATED JULY 27, 2005 AND AS AMENDED JULY 28, 2005.

Commissioner Lusk seconded the motion which carried by a vote of 11-0-1 with Commissioner Byers abstaining.

Commissioner Lawrence MOVED THAT THE PLANNING COMMISSION RECOMMEND TO THE BOARD OF SUPERVISORS THAT IT APPROVE PCA 76-P-118.

Commissioners Hall and Lusk seconded the motion which carried by a vote of 11-0-1 with Commissioner Byers abstaining.

Commissioner Lawrence MOVED THAT THE PLANNING COMMISSION APPROVE FDP 2003-PR-026, SUBJECT TO THE DEVELOPMENT CONDITIONS DATED MARCH 19, 2005, AND SUBJECT TO THE BOARD'S APPROVAL OF RZ 2003-PR-026 AND THE CONCEPTUAL DEVELOPMENT PLAN.

Commissioners Hall and Lusk seconded the motion which carried by a vote of 11-0-1 with Commissioner Byers abstaining.

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Chairman Murphy welcomed new Department of Planning and Zoning staff members, John David Moss and Debby Albert and congratulated Regina Coyle on her recent marriage.

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ORDER OF THE AGENDA

Secretary Harsel established the following order of the agenda:

1. SEA 2002-PR-017 - CAPITAL ONE BANK
2. RZ 2004-LE-021 - LANDMARK PROPERTY DEVELOPMENT, LLC
FDP 2004-LE-021 - LANDMARK PROPERTY DEVELOPMENT, LLC
3. SE 2005-LE-013 - FEDERAL REALTY PARTNERS, LP
4. SEA 01-L-024 - KINGSTOWNE TOWNE CENTER, LP

This order was accepted without objection.

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SEA 2002-PR-017 - CAPITAL ONE BANK - Appl. under Sect. 9-620 of the Zoning Ordinance to amend SE 2002-PR-017 previously approved for a waiver of certain sign regulations to permit additional sign area. Located at 1680 Capital One Dr. on approx. 26.21 ac. of land zoned C-3 and HC. Tax Map 29-4 ((5)) A2. PROVIDENCE DISTRICT. PUBLIC HEARING.

Hillary Katherine Zahm, with Cooley Godward LLP, reaffirmed the affidavit dated July 8, 2005. There were no disclosures by Commission members.

Commissioner Lawrence asked Chairman Murphy to ascertain whether there was anyone present who wished to address this application. Receiving no response, Chairman Murphy waived the presentations by the applicant and staff, closed the public hearing, and recognized Commissioner Lawrence for action on this application. (A verbatim excerpt is in the date file.)

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Commissioner Lawrence MOVED THAT THE PLANNING COMMISSION RECOMMEND TO THE BOARD OF SUPERVISORS APPROVAL OF SEA 2002-PR-017, SUBJECT TO THE DEVELOPMENT CONDITIONS NOW DATED JULY 27, 2005.

Commissioner Hall seconded the motion which carried unanimously.

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RZ 2004-LE-021/FDP 2004-LE-021 - LANDMARK PROPERTY

DEVELOPMENT, LLC., RZ and FDP Appls. to rezone from R-3, C-5, C-8 and HC to PDH-30 and HC to permit mixed use development with up to 70,000 sq. ft. of nonresidential development up to 25.25 du/ac of residential development and approval of the conceptual and final development plans. Located in the N.E. quadrant of Janna Lee Ave. and Richmond Hwy. and S. of Buckman Rd. on approx. 16.95 ac. of land. Comp. Plan Rec: 2-3 du/ac and office and retail up to 0.25 FAR with an option for mixed use up to 25 du/ac with 50,000 to 80,000 sq. ft. of office. Lee District. Tax Map 101-2 ((1)) 22 and 24; 101-2 ((5)) (2) 1, 2, 5, 6, 7, 8A, 8B, 9, 10, 11, 12, 13, 14, 15 and 16; 101-2 ((5)) (3) 1, 2A, 3A, 4, 5, 6, 7, 8, 9, 10, 11, 12 and 13 and Rolling Hills Ave. public right-of-way to be vacated and/or abandoned. Approval of this application may enable the vacation and/or abandonment of portions of the public rights-of-way for Rolling Hills Ave. to proceed under Section 15.2-2272 (2) of the *Code of Virginia*. LEE DISTRICT. PUBLIC HEARING.

John Thillmann, Landmark Property Development, LLC, reaffirmed the affidavit dated July 18, 2005. There were no disclosures by Commission members.

Cathy Lewis, Zoning Evaluation Division (ZED), Department of Planning and Zoning (DPZ), presented the staff report, a copy of which is in the date file. She noted that staff recommended approval of the applications.

Mr. Thillmann said the planning and review process for the proposed development had included meetings with the Lee District Land Use and Transportation Advisory Committee, Mt. Vernon Land Use Committee, Mt. Vernon Environmental Committee, Southeast Fairfax Development Corporation, Mt. Vernon-Lee Chamber of Commerce, and Pinewood Lake Community Association. He presented aerial photographs of surrounding roads, commercial spaces, and housing, and said that this area was in need of major revitalization. Mr. Thillmann explained that after meeting with the Virginia Department of Transportation (VDOT), his engineers had designed a solution to the projected increase in traffic by proposing the widening of Richmond Highway and Janna Lee Avenue. He suggested that the proposed mixed-use and varied housing styles would attract young working couples, families, and retired people. Mr. Thillmann said the gateway concept and landmark structure requested by Dana Kauffman, Lee District Supervisor, and Gerald Hyland, Mt. Vernon District Supervisor, would be achieved through the use of open space. He noted that the development would include a wet pond, fountains, formal gardens, treescaping, a large tot lot, a dog walk, and upgraded sidewalks. Mr. Thillmann explained the wet pond would be a regional pond that would control the 17 acres on site and an additional 11 acres of commercial property off site. He indicated that a local resident had pointed out problems with an underground pipe and said that would be corrected. Mr. Thillmann commented that the community would be built in a way that would allow the homeowners association to become an ungated property, if desired. He explained the proposed 80,000 square foot commercial office building would include two levels of underground parking or garaged

areas with porous pavers and a minimum of 10,000 square feet of retail on the ground floor. Mr. Thillmann said the Transportation Demand Management (TDM) measures included shuttle services and transit subsidies. He explained \$400,000 had been proffered to the homeowners association which would be used for the purchase of two vans, a driver, van maintenance, and the TDM coordinator's salary. He noted that the area adjacent to the proposed enclosed swimming pool and Jacuzzi would be a community center with showers, common space, a recreation facility, and 3,500 square foot office space available for the residents of the community.

In response to questions from Commissioner Byers, Mr. Thillmann said the back-to-back townhouses would have two car garages, additional surface parking spaces, and 24 foot wide streets. He explained that the decision to proffer money for specific school projects had been made after discussions with local school principals and social service agencies. Mr. Thillmann said he had not coordinated this with the Fairfax County School Board.

Commissioner de la Fe said it was his understanding that recent Virginia laws stated school proffers had to go for capital improvements. Mr. Thillmann said an alternative would be to proffer the money for recreation facilities and uses.

In response to a comment from Commissioner Byers, Mr. Thillmann said that Proffer Number 25 referred to a road condemnation, not private property.

Responding to Commissioner Hall's questions, Ms. Lewis said that proffers were voluntary and staff had not coordinated them with the intended recipient to see if they were acceptable. She said the applicant had been asked to discuss the school proffer with the appropriate District Supervisor's office. Commissioner Hall expressed concern that the Commission would not know if the School Board accepted the proffer. Regina Coyle, ZED, DPZ, said that staff was aware of the new laws and policies and would follow up on this proffer.

Commissioner Harsel explained that a new law invoked a time frame for distribution of proffer money and if the time frame was not met, the money would be forwarded to the Commonwealth Transportation Board.

Mr. Thillmann said to ensure that the proffered funds would be allocated properly, he would consider adding language to the proffers stating that the monies be administered by the recreation departments of the schools. Commissioner Alcorn suggested that this be coordinated with staff.

In response to questions from Commissioner Wilson, Mr. Thillmann explained that maneuverability would not be a problem for the residents along a 24 foot wide road. He added that the configuration of the back-to-back townhouses and streets was identical to others in the County. Mr. Thillmann said there would be no plantings along the front of the commercial building on Richmond Highway because the Fire Marshal had requested clear access.

Chairman Murphy called for speakers from the audience and recited rules for testimony before the Commission.

Mr. Thillmann stated the first listed speaker, Victoria McLeod, Vice President of the Pinewood Lake Homeowners Association, was not present due to illness. Chairman Murphy noted that the Commission had her statement expressing support of the applications, dated July 28, 2005, which would be entered into the record. (A copy of the letter is in the date file.)

Sidney Martin, 2507 Philips Drive, Alexandria, said there was a drainage pipe on his neighbor's property that frequently clogged up and flooded the road adjacent to the proposed development. He stated that Mr. Thillmann had agreed to open and clean the drain pipe if the neighbor allowed.

Paul Phelps, representing the Little Hunting Creek Watershed Committee, 2212 Martha's Road, Alexandria, spoke in support of the application. He said the applicant had voluntarily submitted a stormwater management plan that would achieve a 25 percent reduction in peak runoff during a two year storm and a 50 percent reduction in peak runoff during a ten year storm. Mr. Phelps explained that the runoff would be managed with an oversized wet pond and an underground tank with a sand filter. He said the engineers' computations indicated that this combination of features would achieve a 60 percent reduction in total phosphorous loadings which exceeded the required reduction by 20 percent. He added that other innovative Best Management Practices included rain gardens, porous pavement, and a proffer of \$50,000 for stream restoration.

In response to a question from Commissioner Harsel, Mr. Phelps said the applicant was going well beyond what was normally expected of a developer for stormwater management.

Richard Neel, representing Southeast Fairfax Development Corporation, 8800 Pear Tree Village Court, Alexandria, expressed support for the application and said the proposed development incorporated some well considered, high quality design features. He added that it would contribute to the overall revitalization of Richmond Highway and the incorporation of a commercial office building would add to the County's commercial tax base.

Jay Golter, 6317 Abilene Street, Springfield, spoke in support of the application. He said the area's revitalization would benefit the community and the applicant had taken into account the concerns of the area youth.

Commissioner Alcorn informed Mr. Thillmann that the application had met the public facilities criterion; therefore, if the heading on Proffer Number 12 regarding after school programs was changed, the contribution could be appropriately distributed.

Commissioner Hart added that Proffer Number 12 needed to be edited prior to the Board of Supervisors' public hearing. He said the conventions of capitalization were unusual and inconsistent in paragraphs A and B; "Wood lawn" should be one word; "Sandberg" was misspelled; "are" in paragraph B, line 4 should be deleted; and "administrated" was not a word.

Neil Krizek, 4409 Jackson Place, Alexandria, said he supported the application. He asked if sidewalks and a sheltered bus stop would be provided and if the bus stop would be easily accessible from Janna Lee Avenue and Buckman Road through the gated community. Mr. Krizek also questioned what controls would be in place for protection of residents' vehicles as the construction vehicles left the site.

Vanessa Thompson, 3929 Woodhue Place, Alexandria, stated that there were many children in the surrounding neighborhoods and that widening the road could pose a hazard for them when entering and exiting school buses. Ms. Thompson asked what schools the children in the proposed development would attend.

Ms. Lewis said the children would attend Riverside Elementary, Whitman Middle School, and Mount Vernon High School.

There being no further speakers, Chairman Murphy called upon Mr. Thillmann for a rebuttal statement.

In response to the concern raised by Mr. Martin, Mr. Thillmann said that VDOT had cleaned the drainage pipe in the past and that it would need to be redone. He suggested that the proposed widening of Richmond Highway might correct the situation. In response to a statement from Commissioner Alcorn, Mr. Thillmann said if VDOT did not have a stormwater easement on the parcel, he would try to obtain permission for one from the property owner.

Addressing Mr. Krizek's concerns, Mr. Thillmann said that two large, covered bus stops with turnoff lanes were being proposed. He said the access through the development would be addressed with an adequate right-of-way or by escrowing funds necessary to obtain a right-of-way. Mr. Thillmann pointed out that there was no access through the site currently. He suggested that the area would be improved with the addition of the proposed sidewalks.

Commissioner Wilson said that the Comprehensive Plan requirements for this section of Richmond Highway focused on a pedestrian friendly environment with pedestrian access throughout the site. She said a gated community would not provide adequate pedestrian access and therefore she would not be able to support the application.

Mr. Thillmann replied that the reference to a pedestrian friendly development in the Comprehensive Plan did not reference access through a development. He added that through-access to the proposed development would be available in the commercial area from early morning to mid-evening.

In response to a question from Commissioner Alcorn, Mr. Thillmann and Ms. Lewis explained that both the pedestrian and vehicular main gates on Janna Lee Avenue and Richmond Highway would remain open from approximately 7:00 a.m. to 9:00 p.m. due to the commercial use of the building.

Mr. Thillmann, addressing Mr. Krizek's concern, said it was the intention of the applicant to have construction vehicles use the public street that was currently internal to the site.

Addressing the concern raised by Ms. Thompson, Mr. Thillmann said the children's safety would increase with the proposed road configurations because there would be significantly less traffic on Buckman Road. He indicated that the planned road improvements were crown repair, repaving, and the addition of sidewalks, gutters, and curbs.

In response to a comment by Commissioner Lawrence, Mr. Thillmann said that construction vehicles would have to adhere to the County Ordinance requiring the truck and road be cleaned when leaving the site.

In response to questions from Commissioner Wilson, Mr. Thillmann said that Rolling Hills Avenue was a public state road that had no sidewalks but did provide access through the site. He explained that the application for vacation of that public street would be filed after action had been taken on this application.

The Commission had no further comments or questions and staff had no closing remarks; therefore, Chairman Murphy closed the public hearing and recognized Commissioner Lusk for action on this case. (A verbatim excerpt is in the date file.)

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Commissioner Lusk MOVED THAT THE PLANNING COMMISSION RECOMMEND APPROVAL OF RZ 2004-LE-021 AND CONCEPTUAL DEVELOPMENT PLAN, SUBJECT TO THE PROFFERS NOW DATED JULY 27, 2005.

Commissioners Hall and Lawrence seconded the motion which carried by a vote of 11-1 with Commissioner Wilson voting no.

Commissioner Lusk MOVED THAT THE PLANNING COMMISSION APPROVE FDP 2004-LE-021, SUBJECT TO DEVELOPMENT CONDITIONS CONTAINED IN THE STAFF REPORT AND APPROVAL BY THE BOARD OF REZONING RZ 2004-LE-021.

Commissioners Hall and Lawrence seconded the motion which carried by a vote of 11-1 with Commissioner Wilson voting no.

Commissioner Lusk MOVED THAT THE PLANNING COMMISSION RECOMMEND THAT THE SERVICE DRIVE REQUIREMENT ALONG RICHMOND HIGHWAY BE WAIVED.

Commissioners Hall and Lawrence seconded the motion which carried unanimously.

Commissioner Lusk MOVED THAT THE PLANNING COMMISSION RECOMMEND THAT THE COMPREHENSIVE PLAN REQUIREMENT FOR DEDICATION OF RIGHT-OF-WAY

AND FRONTAGE IMPROVEMENTS ALONG RICHMOND HIGHWAY BE MODIFIED TO THAT SHOWN ON THE CDP/FDP.

Commissioners Hall, Koch, and Lawrence seconded the motion which carried by a vote of 11-1 with Commissioner Wilson voting no.

Commissioner Lusk MOVED THE PLANNING COMMISSION RECOMMEND THAT THE RICHMOND HIGHWAY STREETScape AND TRAIL REQUIREMENTS BE MODIFIED TO THAT SHOWN ON THE CDP/FDP.

Commissioners Hall and Lawrence seconded the motion which carried by a vote of 11-1 with Commissioner Wilson voting no.

Commissioner Lusk MOVED THE PLANNING COMMISSION RECOMMEND THAT PARAGRAPH 5D OF SECTION 2-802, WHICH REQUIRES AFFORDABLE DWELLING UNITS BE OF THE SAME UNIT TYPE AS THE MARKET RATE UNITS, BE WAIVED.

Commissioner Lawrence seconded the motion which carried by a vote of 10-0-2 with Commissioners Byers and Hall abstaining.

Commissioner Lusk MOVED THAT THE PLANNING COMMISSION RECOMMEND THE 600 FOOT MAXIMUM LENGTH REQUIREMENT FOR PRIVATE STREETS BE WAIVED.

Commissioner Lawrence seconded the motion which carried by a vote of 11-1 with Commissioner Wilson voting no.

Commissioner Lawrence MOVED THAT THE PLANNING COMMISSION RECOMMEND THE 200 SQUARE FOOT PRIVACY YARD REQUIREMENT FOR SINGLE FAMILY ATTACHED DWELLINGS BE WAIVED.

Commissioner Lawrence seconded the motion which carried by a vote of 11-0-1 with Commissioner Byers abstaining.

Commissioner Lusk MOVED THE PLANNING COMMISSION RECOMMEND THAT THE REQUESTED VARIANCE OF THE LIMITATION ON FENCE HEIGHT IN THE FRONT YARD PURSUANT TO SECTION 16-401 BE GRANTED IN ORDER TO PERMIT THE PROPOSED WALL ALONG RICHMOND HIGHWAY TO BE UP TO SIX FEET IN HEIGHT.

Commissioner Lawrence seconded the motion which carried unanimously.

Commissioner Lusk MOVED THAT THE PLANNING COMMISSION RECOMMEND THAT PFM SECTION 6-0303.8 BE WAIVED TO PERMIT THE USE OF AN UNDERGROUND WATER QUALITY CONTROL FACILITY IN A RESIDENTIAL AREA, SUBJECT TO

WAIVER #8972-WPFM-001-1 CONDITIONS DATED JULY 1, 2005 AND CONTAINED IN
THE STAFF REPORT.

Commissioner Lawrence seconded the motion which carried by a vote of 11-1 with
Commissioner Harsel voting no.

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The Commission went into recess at 10:18 p.m. and reconvened in the Board Auditorium at
10:29 p.m.

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Chairman Murphy relinquished the Chair to Vice Chairman Byers.

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SE 2005-LE-013 - FEDERAL REALTY PARTNERS, LP - Appl. under Sect.
9-620 of the Zoning Ordinance to permit a waiver of certain sign regulations.
Located on the W. side of Fordson Rd. at its intersection with Richmond
Hwy. on approx. 43.45 ac. of land zoned C-6, CRD and HC. Tax Map 101-
2 ((1)) 12A, 12A1, 12D, 12E and 12F. LEE DISTRICT. PUBLIC
HEARING.

Lynne Strobel, Esquire, with Walsh, Colucci, Lubeley, Emrich & Terpak, PC, reaffirmed the
affidavit dated July 12, 2005. Commissioner Hart disclosed that although his law firm had one
matter pending with Ms. Strobel's law firm, there was no financial relationship and it would not
affect his ability to participate in this case.

St. Clair Williams, Zoning Evaluation Division, Department of Planning and Zoning, presented
the staff report, a copy of which is in the date file. He noted that staff recommended denial of
the application because it was not in accord with the applicable Zoning Ordinances or with the
Comprehensive Plan.

Ms. Strobel said the applicant had made a significant investment in the Lee District with the
acquisition of the South Valley Shopping Center and the leasing of the Mt. Vernon Plaza and
although the properties appeared as one integrated center, they were under separate ownership.
She explained that the applicant was currently renovating both centers with new landscaping,
new building façades, and a revised traffic circulation pattern to facilitate both vehicular and
pedestrian access. Ms. Strobel said the sign proposed for the corner of the building to be
occupied by Staples would be curved to be visible from within the shopping center, not from the
highway or surrounding neighbors, and would not adversely impact local residents.
She said the second component of the application was a proposal to centrally locate building
signs within the shopping center. Ms. Strobel noted that staff had no objection to those signs.

She said the third component of the application was the replacement of the existing pylon sign at the Mt. Vernon Plaza. She explained that a sign permit had been previously issued allowing a sign 32 feet in height and 150 square feet in area but the existing sign exceeded that size. Ms. Strobel said the applicant was now proposing a shorter and more attractive sign because the shopping center had a greater depth than width and a visible pylon sign was critical to identify the anchor tenants located at the rear of the shopping center over 1,000 feet from Richmond Highway. She pointed out that Richmond Highway was a heavily traveled road but at the rate of speed the cars drove, it would be difficult to identify the businesses without a clearly visible sign. Ms. Strobel said the Richmond Highway Façade Improvement Design Guidelines included a letter visibility chart that was widely used by sign manufacturers and stated that a letter height of 18 inches was only readable at a distance of 180 feet. (Ms. Strobel provided a copy of the guidelines for the date file.) She noted that Richmond Highway had a width of approximately 96 feet and that the Comprehensive Plan recommended that a width of 88 feet from center line include a streetscape consisting of a trail, landscaping, and a browsing strip. Ms. Strobel said the applicant would be installing those features as a part of the renovation but while it would improve the overall appearance, it would affect the visibility of the shopping center. She added that the pylon sign, as proposed, would ensure that motorists safely reached their destination. She said the applicant had worked closely with the Southeast Fairfax Development Corporation, and that they had approved a resolution in favor of the application, a copy of which is in the date file. Ms. Strobel added the Lee District Land Use and Transportation Advisory Committee had recommended approval even though the Committee anticipated staff might recommend denial. She noted that the applicant objected to Development Conditions Numbers 5 and 8 and asked they be deleted or revised in a way that would be consistent with the applicant's proposal for the sign plan.

In response to a question from Commissioner Lawrence, Ms. Strobel said that anchor tenants would receive a larger signage area than other tenants.

Responding to questions from Commissioner Hart, Mr. Williams said that although staff recommended denial, if the intent of the Commission was to recommend approval, staff requested that it be subject to the Development Conditions proposed by Commissioner Lusk which had been distributed yesterday.

In response to a question from Commissioner Hart, Ms. Strobel said both old signs shown during her presentation would be taken down and replaced with new signs.

In response to questions from Commissioners Byers and Lusk, Ms. Strobel said that there were lease obligations for specific signage areas for some tenants and if the size changed, the tenant had the option to cancel their lease.

Vice Chairman Byers called the first listed speaker.

Neil Krizek, 4409 Jackson Place, Alexandria, spoke in opposition to the application. He said the proposed pylon sign would be visually disturbing and detract from the revitalization planned for Richmond Highway.

In response to a question from Commissioner Lusk, Mr. Krizek said that even though the proposed signs may be smaller, they would not be aesthetically pleasing and would serve no purpose.

Commissioner Wilson commented that she would normally agree with Mr. Krizek's point of view but this shopping center was an exception since the stores were set back and not easily visible from the highway.

Richard Neel, representing Southeast Fairfax Development Corporation (SFDC), 8800 Pear Tree Village Court, Alexandria, spoke in support of the application. He said the applicant's Comprehensive Signage Plan coordinated color, materials, lettering, and design. Mr. Neel pointed out that the applicant had followed design and quality guidelines used by the County and SFDC. He stated the objective of sign coordination had been achieved with this plan by removing clutter and confusion and presenting an attractive image. He said the applicant presented logical reasons for seeking a special exception from the Zoning Ordinance limitations.

Commissioner Hart commented that signs needed to be large enough in area and lettering so passing motorists could easily read them.

In response to questions from Commissioner Byers, Mr. Neel said that the proposal was a coordinated sign plan and would be a substantial improvement over current visual conditions at the shopping centers. He stated he was satisfied with the applicant's explanation of the legal constraints which did not allow one pole sign for two properties.

There being no further speakers, Vice Chairman Byers called upon Ms. Strobel for a rebuttal statement.

Ms. Strobel said that sign identification was important for retailers to generate business and be economically viable. She added that there were legal constraints prior to the applicant's acquisition of the property and that approval of this proposal was warranted due to a number of unique characteristics of the shopping center.

Commissioner Lusk said a revision to Development Condition Number 9 would be made to replace the words "no sign shall move" with the words "no sign shall have any moveable parts." He stated Development Condition Number 10 would be revised to include language allowing for identification of the Mt. Vernon Shopping Center as well as the tenants. Ms. Strobel agreed to these revisions.

Ms. Strobel agreed with Commissioner Harsel's statement that the applicant had entered into leases and erected nonconforming signs after the 1978 Signs Zoning Ordinance had come into effect.

Responding to a question from Commissioner Harsel, Ms. Coyle said that the C-5 District had been established to provide shopping facilities in a neighborhood-oriented market of approximately 5,000 persons and that a C-6 District had been established as a community retail market area to serve several neighborhoods with a minimum of 20,000 persons.

There were no further comments or questions from the Commission and staff had no closing remarks; therefore, Vice Chairman Byers closed the public hearing and recognized Commissioner Lusk for action on this application. (A verbatim transcript is in the date file.)

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Commissioner Lusk MOVED THAT THE PLANNING COMMISSION RECOMMEND TO THE BOARD OF SUPERVISORS APPROVAL OF SE 2005-LE-013, SUBJECT TO DEVELOPMENT CONDITIONS THAT ARE NOW DATED JULY 28, 2005, WITH CONDITIONS 9 AND 10 REVISED AS FOLLOWS:

- REVISE CONDITION 9 BY REPLACING THE WORDS “NO SIGN SHALL MOVE” WITH THE WORDS “NO SIGN SHALL HAVE ANY MOVEABLE PARTS”; AND
- REVISE CONDITION 10 TO INCLUDE LANGUAGE ALLOWING FOR IDENTIFICATION OF THE MT. VERNON SHOPPING CENTER AS WELL AS THE TENANTS.

Commissioner Wilson seconded the motion which carried by a vote of 8-1-2 with Commissioner Murphy not present for the vote; Commissioner Byers voting no; Commissioners Harsel and Lawrence abstaining.

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SEA 01-L-024 - KINGSTOWNE TOWNE CENTER, LP - Appl. under Sect. 6-205 of the Zoning Ordinance to amend SE 01-L-024 previously approved for fast food restaurants to permit additional square footage for fast food restaurants and a private school of special education and associated modifications to site design. Located within the Kingstowne Towne Center in the N.W. quadrant of Kingstowne Blvd. and Kingstowne Village Pkwy. on approx. 25.21 ac. of land zoned PDC and NR. Tax Map 91-2 ((1)) 36G, 36H pt. and 36I. LEE DISTRICT. PUBLIC HEARING

Erika Byrd, Esquire, with McGuire Woods LLP, reaffirmed the affidavit dated June 20, 2005. There were no disclosures by Commission members.

Regina Coyle, Zoning Evaluation Division, Department of Planning and Zoning, presented the staff report, a copy of which is in the date file, and noted that staff had no concerns with the proposed additional square footage for a private school. She said, however, that staff did not support the proposal to permit up to 100 percent of four buildings be devoted to fast food use; therefore, staff recommended denial of the application because it was not in accord with the applicable Zoning Ordinances.

Ms. Byrd said that the initial amendment had requested approval to allow fast food restaurants to occupy 100 percent of the gross floor area of four pad site buildings but explained that the

applicant had agreed to reduce both the total maximum square footage as well as the potential locations of future fast food uses as proposed by Commissioner Lusk. She noted that the applicant had the support of the Kingstowne community and the Lee District Land Use and Transportation Advisory Committee as well as staff's support of the private school component of the application. She pointed out that there would be no new construction or drive through fast food uses.

In response to a question from Commissioner Hall, Ms. Coyle said by definition a fast food restaurant did not have to provide a drive through window, but was determined by how the food was prepared and served to customers. Ms. Coyle said fast food restaurants provided disposable utensils and containers and did not have wait staff.

Vice Chairman Byers called for speakers from the audience but received no response.

Ms. Coyle stated minor revisions to the Development Conditions, based on input from Commissioner Lusk, had been distributed tonight.

There were no further comments or questions from the Commission; therefore, Vice Chairman Byers closed the public hearing and recognized Commissioner Lusk for action on this application. (A verbatim transcript is in the date file.)

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Commissioner Lusk MOVED THAT THE PLANNING COMMISSION RECOMMEND TO THE BOARD OF SUPERVISORS APPROVAL OF SEA 01-L-024, SUBJECT TO THE DEVELOPMENT CONDITIONS WHICH ARE NOW DATED JULY 28, 2005.

Commissioner Lawrence seconded the motion which carried unanimously with Commissioner Murphy not present for the vote.

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The meeting was adjourned at 11:28 p.m.

Peter F. Murphy, Jr., Chairman

Suzanne F. Harsel, Secretary

Audio and video recordings of this meeting are available at the Planning Commission Office, 12000 Government Center Parkway, Suite 330, Fairfax, Virginia 22035.

Minutes by: Susan M. Donovan

Approved on: _____

Linda B. Rodeffer, Clerk to the
Fairfax County Planning Commission